

M. Jeffery Kallis, SBN 190028  
THE LAW FIRM OF **KALLIS** & ASSOCIATES, P.C.

333 W. San Carlos St., 8<sup>th</sup> Floor  
San Jose, CA 95110  
Telephone: (408) 971-4655  
Facsimile: (408) 971-4644

Steven M. Berki, SBN 245426  
**BUSTAMANTE ♦ GAGLIASSO, P.C.**

River Park Tower  
333 W. San Carlos St., 8<sup>th</sup> Floor  
San Jose, California 95110  
Telephone: (408) 977-1911  
Facsimile: (408) 977-0746  
[sberki@boglawyers.com](mailto:sberki@boglawyers.com)

Attorneys for Plaintiff

RICHARD DOYLE, City Attorney (88625)  
NORA FRIMANN, Assistant City Attorney (93249)  
ARDELL JOHNSON, Chief Deputy City Attorney (95340)  
CLIFFORD GREENBERG, Sr. Deputy City Attorney (122612)  
Office of the City Attorney  
200 East Santa Clara Street, 16<sup>th</sup> Floor  
San José, California 95113-1905  
Telephone Number: (408) 535-1900  
Facsimile Number: (408) 998-3131  
E-Mail Address: [cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)

Attorneys for OFFICER ORLANDO

UNITED STATE DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

\* \* \*

21	JAMIL STUBBS,	)	Case No.: 4:09-cv-00176-KAW
		)	
22	Plaintiff,	)	
		)	<b>SECOND AMENDED STIPULATION OF</b>
23	vs.	)	<b>DISMISSAL</b>
		)	<b>Fed. R. Civ. P. §41(a)(1)(A)</b>
24	BRANDON ORLANDO,	)	
		)	
25	Defendant.	)	
		)	

1 **IT IS HEREBY STIPULATED** by and between plaintiff Jamil Stubbs ("Plaintiff") and  
2 defendant Officer Orlando ("Defendant") that in response to the Court's Order [ECF Docket  
3 No. 267] and after having met and conferred, certain actions should be dismissed with  
4 prejudice.

5 The parties thereby agree as follows:

6 Plaintiff's claims for excessive force under the Fourth Amendment, conspiracy under  
7 42 U.S.C. § 1985, and negligence are hereby dismissed with prejudice.

8 All claims and parties dismissed by way of this Stipulation are in return for a waiver  
9 of fees and costs as to these dismissed causes of action by defendants to be memorialized in  
10 a separate settlement agreement to be prepared and drafted by the parties. This Stipulation  
11 and Dismissal is brought pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

12 **IT IS SO STIPULATED.**

13 Dated: June 16, 2014

BUSTAMANTE & GAGLIASSO, P.C.

14  
15 By: \_\_\_\_\_/s/\_\_\_\_\_  
16 Steven M. Berki, Counsel of Record  
for Plaintiff

17 Dated: June 16, 2014

KALLIS & ASSOCIATES, P.C.

18  
19 By: \_\_\_\_\_/s/\_\_\_\_\_  
20 M. Jeffery Kallis, Counsel of Record  
for Plaintiff

21 Dated: June 16, 2014

OFFICE OF THE CITY ATTORNEY OF  
SAN JOSE



\_\_\_\_\_/s/\_\_\_\_\_  
Ardell Johnson  
Counsel of Record  
for Defendant